REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-8, 25, 26, and 31 are presently active in this case, Claims 1, 25 and 31 having been amended by the present amendment.

Claims 1-8, 25, 26, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over de Groot (U.S. Patent No. 6,421,047) in view of Leahy et al. (U.S. Patent No. 6,219,045) and Kawamura et al. (U.S. Patent No. 6,404,430).

In response to the rejection of Claims 1-8, 25, 26, and 31 under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of these rejections and traverse the rejections as discussed next.

In the outstanding Office Action Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over de Groot in view of Leahy et al. In the rejection it is acknowledged that de Groot fails to disclose a charge controlling means for charging said privileged user who owns said user-specific virtual space a fee corresponding to a type of said user-specific virtual space as is recited in Claim 1.[1] The outstanding Office Action relies on Leahy et al. as disclosing a controlling means for charging said privileged user. The rejection is based on the position that "since the usage is tied to which rooms are 'most popular,' it would be an obvious variant to bill according to popularity" and by adding this feature to de Groot, it would enable revenue from usage of the virtual space, thus disclosing a charge controlling means equivalent to Claim 1. However, Leahy et al. fails to describe or suggest a charge control means that charges a privileged user based on the specified type of the virtual space. Leahy et al. merely suggests collecting statistics on usage which could be used for billing or

[1] Office Action page 2 & 3.

to determine which rooms are most popular.[2] Thus Leahy et al. does not disclose charging only the "first user" (the user who desires to personalize the room) and allowing all other users to use the room without charge.[3] Using popularity statistics to bill higher at the most popular space would only allow charging users based on use and would not allow privileged users to be charged based on their choice of a type of virtual space, whether it is private or public or have few or many users. For example, in one non-limiting embodiment, a botany enthusiast would pay a fee to personalize a numerically less popular 'science' virtual space that was interesting to only a few persons with specialized knowledge, such as himself.

Thus, even if combinable in any reasonable manner, de Groot and Leahy et al. combined or individually do not describe or suggest all the elements recited in Claim 1 or in Dependent Claims 2-8 and 26.

Additionally, as acknowledged in the Office Action, de Groot and Leahy et al. fail to disclose specifying a plurality of types of virtual spaces to be offered for purchase, as claimed. The outstanding Office Action relies on Kawamura et al. to cure this deficiency.

However, Kawamura et al. merely describes a virtual space data file that includes geographical and image data corresponding to a two-dimensional section organized by x and y coordinates.[4] Kawamura et al. does not describe specifying a plurality of types of virtual spaces to be offered for purchase, such as a large three dimensional room[5] or a room that allows certain number of decorated items.[6] Thus, Kawamura et al.'s virtual space feature is not descriptive of Claim 1's virtual space information storing means for storing, in advance, virtual space information specifying a plurality of types of virtual spaces to be offered for purchase, as it does not describe or suggest offering different types of virtual space for purchase.

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[2] Leahy et al. Col. 15, lines 12-15.
[3] Specification page 32, fourth paragraph starting "Users are not charged..."
[4] Kawamura et al. Col. 5, lines 46-53.
[5] Specification page 36.
[6] Specification page 37.

Therefore, de Groot, Leahy et al., and Kawamura et al. combined or individually do not describe or suggest at least the elements recited in Claim 1 or any claim depending therefrom.

Each of independent Claims 25 and 31 also recites a storing, in advance, virtual space information specifying types of virtual spaces offered for purchase; and a charging of a fee based on the specified type of said user-specific virtual space and therefore patentably define over de Groot, Leahy et al., and Kawamura et al. for at least the same reasons as Claim 1. Claims 2-8 and 26 depend directly or indirectly from Claim 1 and therefore also patentably define over the asserted prior art for at least the same reasons given for Claim 1.

Accordingly, for the above reasons, Applicant respectfully requests that the rejection of Claims 1-8, 25, 26, and 31 under 35 U.S.C. 103(a) as unpatentable over de Groot in view of Leahy et al. and Kawamura et al. be withdrawn; and respectfully submits that Claims 1-8, 25, 26, and 31 are patentable over de Groot in view of Leahy et al. and Kawamura et al.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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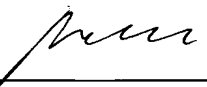

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